IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Art Unit: 3714
Donald R JONES	Examiner: Milap Shah
Serial No.: 10/715,056	Tel: (571) 272-1723
Filed: Nov. 17, 2003	Appeal Filed: Nov. 28, 2007
For: Mechanical Semi-Automatic Tee-Up Device and Method	

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APPEAL BRIEF

This paper is an appeal brief filed under 37 C.F.R. § 1.192 pursuant to a Notice of Appeal mailed on Nov. 28, 2007, and received by the USPTO on the same date. Consideration of this Appeal Brief is earnestly solicited.

(I) REAL PARTY IN INTEREST.

The real party in interest in this case is Applicant Donald R. Jones.

(II) RELATED APPEALS AND INTERFERENCES.

No other prior or pending appeals, interferences or judicial proceedings are known to Applicant (appellant), Applicant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(III) STATUS OF CLAIMS.

Claims 1 to 5, 8 to 16, 18 and 19 are currently pending. Claims 1 and 15 are the independent claims. Claim 10 was objected to as depending from a canceled claim. All pending claims were rejected.

All pending claims are being appealed.

(IV) STATUS OF AMENDMENTS.

A final rejection was issued on Mar. 15, 2007. A response to the final rejection was filed on Mar. 21, 2007. This response included amendments to independent claims 1 and 15 and dependent claims 5 and 16. These amendments were entered either by the Examiner before issuance of the Advisory Action on Apr. 10, 2007, or upon filing of an RCE on May 7, 2007. A further amendment to correct three formal matters, namely grammar with respect to the word "and" in

claims 1 and 15 and the dependency of claim 10 from canceled claim 6, was filed on January 28, 2008.

(V) SUMMARY OF CLAIMED SUBJECT MATTER.

A concise explanation of the subject matter defined in each of independent claims 1 and 15 follows, with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The invention concerns an automatic tee-up device. One novel aspect of the invention is that teeing-up of a golf ball is "actuated by moving an end of the lever in a horizontal arc" (see claims 1 and 15). As stated in the response filed on Mar. 21, 2007, Applicant has found that moving an end of a lever in a *horizontal* arc with a club head is a very simple and non-disruptive action. As stated at page 13, lines 11 and 12, of the application, Applicant has further found their novel design for providing this horizontal actuation "to be simple, effective, and durable" as well as "extremely easy to maintain."

In more detail, claim 1 recites an automatic tee-up device that includes a golf ball reservoir; a platform with a groove for a golf ball to travel from the reservoir to a tee, with the tee movable from below a level of the golf ball in the groove to above the level of the golf ball in the groove; a ball ejector disposed to eject golf balls one at a time from the reservoir onto the groove; and a lever that projects from the platform and that actuates the ball ejector and the tee. After the golf ball is ejected by the ejector, the golf ball travels on the groove to the tee and is raised by the tee into a position suitable for striking with a golf club. The ball ejector and the tee are actuated by

moving an end of the lever in a horizontal arc, and the lever is disposed to be actuated by a head of the golf club.

Independent claim 1 is reproduced below, with citations to page and line numbers, drawings, and reference characters shown parenthesized in italics. Figures and reference characters are also bolded for emphasis.

> 1. An automatic tee-up device, comprising:
> a golf ball reservoir ***(figures 1, 2 and 6, elements 3 and 33**; pages 7, lines 1 to 8; page 8, lines 10 and 11; page 14, lines 1 and 2; et al.)*;
> a platform ***(figures 1, 2 and 6, elements 1 and 31**; page 7, lines 1, 2, 10 and 11; page 14, lines 1, 2 and 5; et al.)* with a groove for a golf ball to travel from the reservoir to a tee ***(figures 1 and 6, elements 2 and 32**; page 7, lines 1, 2, 10, 11, and 16 to 20; page 8, lines 11 to 13; page 9, lines 10 and 11; page 14, lines 1, 2, 5, and 10 to 14; et al.)*, with the tee movable from below a level of the golf ball in the groove to above the level of the golf ball in the groove ***(figure 3, elements 4, 21, 22 and 25**; page 7, lines 18 and 19; page 12, lines 1 to 3; page 14, lines 12 and 13; et al.)*; and
> a ball ejector disposed to eject golf balls one at a time from the reservoir onto the groove ***(figure 1, 2, and 4 to 6, elements 8 and 38**; page 7, lines 16 to 18; page 8, lines 1, 2, 9 to 12, 18 and 19; page 9, lines 10 and 11; page 11, lines 11 and 12; page 12, lines 9 to 11; page 12, line 17 to page 13, line 13; page 14, lines 10, 11, and 16 to 18; et al.)*;
> a lever that projects from the platform and that actuates the ball ejector and the tee ***(figures 1, 2, 3 and 6, elements 11 and 41**; page 8, lines 1 to 22; page 9, lines 10 to 14; page 11, lines 11 to 18; page 12, lines 5 to 7 and 20 to 22; page 13, lines 6 and 7; page 14, line 16, to page 15, line 2; et al.)*;
> wherein after the golf ball is ejected by the ejector, the golf ball travels on the groove to the tee and is raised by the tee into a position suitable for striking with a golf club ***(figure 1**; page 7, lines 16 and 20; page 8, lines 13 to 16; page 14, lines 13 and 14; et al.)*;
> wherein the ball ejector and the tee are actuated by moving an end of the lever in a horizontal arc ***(figure 1, double-headed arrow**; page 8, lines 2 to 7; page 14, lines 20 and 21; et al.)*; and
> wherein the lever is disposed to be actuated by a head of the golf club ***(figure 1, double-headed arrow**; page 8, lines 3 and 4; page 14, lines 20 and 21; et al.)*.

Claim 15 recites a method of using the apparatus recited by claim 1. Independent claim 15 is reproduced below, with citations to page and line numbers, drawings, and reference characters shown parenthesized in italics. Figures and reference characters are also bolded for emphasis.

> 15. A method of using an automatic tee-up device, comprising the steps of:
>
> actuating a lever to cause a ball ejector to eject golf balls one at a time from a golf ball reservoir onto a platform with a groove for a golf ball to travel from the reservoir to a tee ***(figures 1, 2, 3 and 6, elements 11 and 41; figure 1, double-headed arrow**; page 8, lines 3 to 13; page 9, lines 10 and 11; page 14, lines 10 to 18; et al.)*; and
>
> actuating the lever to cause the tee to raise the golf ball, with the tee movable from below a level of the golf ball in the groove to above the level of the golf ball in the groove ***(figures 1, 2, 3 and 6, elements 4, 11, 21, 22, 25 and 41; figure 1, double-headed arrow**; page 7, lines 18 and 19; page 8, lines 13 to 16; page 9, lines 11 to 13; page 12, lines 1 to 3; page 14, lines 10 to 18; et al.)*;
>
> wherein after the golf ball is ejected by the ejector, the golf ball travels on the groove to the tee and is raised by the tee into a position suitable for striking with a golf club ***(figure 1**; page 7, lines 16 and 20; page 8, lines 11 to 16; page 14, lines 13 and 14; et al.)*;
>
> wherein an end of the lever is actuated by being moved in a horizontal arc and is disposed to be actuated by a head of the golf club ***(figure 1, double-headed arrow**; page 8, lines 2 to 7; page 14, lines 17, 18, 20 and 21; et al.)*.

Applicant has attempted to identify the portions of the application that might help the Board to understand claims 1 and 15. However, Applicant does not intend for the claims to be limited to the particular sections of the application cited for each element and step in the claims. Furthermore, additional portions of the application may be relevant to each of the elements, as indicated by used of "et al." in the citations.

The pending claims do not include any means plus function or step plus function terminology as permitted by 35 U.S.C. 112, sixth paragraph. Therefore, no such means or steps are identified herein no corresponding structures, materials, or acts are described.

(VI) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.

The grounds of rejection of claims 1, 5, 8, 10, 15, 16, 18 and 19 are being presented for review. These grounds of rejection are summarized below.

Claims 1 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Adam (U.S. Patent No. 4,741,537) in view of Tarbox, Jr. (U.S. Patent No. 5,647,805). Claims 5 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Adam and Tarbox, Jr. in view of Chang (U.S. Patent No. 5,529,307). Claims 8, 10, 18 and 19 were rejected under 35 U.S.C 103(a) as being unpatentable over Adam and Tarbox, Jr. in view of Eckardt, Jr. (U.S. Patent Application Publication No. 2003/0162598).

(VII) ARGUMENTS.

Each of claims 1, 5, 8, 10, 15, 16, 18 and 19 is discussed separately below under its own sub-heading.

Claims 1:

Claim 1 is reproduced below:

> 1. An automatic tee-up device, comprising:
> a golf ball reservoir;

> a platform with a groove for a golf ball to travel from the reservoir to a tee, with the tee movable from below a level of the golf ball in the groove to above the level of the golf ball in the groove;
>
> a ball ejector disposed to eject golf balls one at a time from the reservoir onto the groove; and
>
> a lever that projects from the platform and that actuates the ball ejector and the tee;
>
> wherein after the golf ball is ejected by the ejector, the golf ball travels on the groove to the tee and is raised by the tee into a position suitable for striking with a golf club;
>
> wherein the ball ejector and the tee are actuated by moving an end of the lever in a horizontal arc; and
>
> wherein the lever is disposed to be actuated by a head of the golf club.

The art applied against this claim, namely Adam (U.S. Patent No. 4,741,537) and Tarbox, Jr. (U.S. Patent No. 5,647,805), does not disclose or suggest the foregoing features of claim 1, at least with respect to the feature that "the ball ejector and the tee are actuated by moving an end of the lever in a horizontal arc."

In this regard, the outstanding Office Action from which this Appeal is taken stated the following:

> Adam explicitly lacks disclosing and/or teaching the lever projecting from the platform is specifically actuated on a horizontal plane in a horizontal arc. Regardless of this deficiency, it would have been extremely obvious for the designer of Adam's system to try various actuation systems when finally coming to the conclusion that the pedal actuation system appeared to work best, nevertheless, Tarbox, Jr. explicitly teaches and discloses a lever in an automatic teeing device that actuates the process of moving a ball from the reservoir to the tee based on the end of the lever moving in a horizontal arc (see at least figures 1 & 2, where figure 2 shows the explicit movement of the lever from a first position represented by solid lines and a second position represented by the dotted lines, and movement from the first position to the second position occurs by moving an end of the lever in a horizontal arc at least when viewing the invention from a top view perspective similarly to as Adam is viewed to have a lever that is depressed in the vertical direction). Therefore, it would have been obvious to one of

> ordinary skill in the art at the time of the invention to modify Adam's lever/pedal actuation system such that the lever/pedal was to be moved in a horizontal arc as taught by Tarbox, Jr. at least for the reason that various actuation systems are interchangeable to those of ordinary skill in the art, and because such a modification to Adam via the teaching of Tarbox, Jr. would have only required routine skill in the art.
>
> Alternatively, as a side note, without need of the secondary reference, the Examiner respectfully submits that modifying the actuation system from the vertical plane to the horizontal plane does not appear to be patentability distinct and would have been obvious to try as common sense to one of ordinary skill in the art since that person of ordinary skill in the art has good reason to pursue known options within his or her technical grasp (i.e. "Do I want a system where the golf presses a button or do I want a system where a golfer actuates a lever?", such in a pinball machine where a player pulls on a lever in the horizontal direction to eject a ball, thus, it is submitted that such mechanical options to the designer are well known in the art), which may lead to anticipated or predictable success, thus, such modifications are not likely to be the product of innovation but rather of ordinary skill and common sense.

Applicant respectfully disagrees with this analysis

First, Tarbox, Jr. definitely does not "explicitly teach[] and disclos[] a lever in an automatic teeing device that actuates the process of moving a ball from the reservoir to the tee based on the end of the lever moving in a horizontal arc." Rather, Fig. 1 of Tarbox is "a side view of a golf tee device according to [Tarbox, Jr.'s] invention," and Fig. 2 is a cross-sectional view from the same perspective. Thus, the movement of Tarbox, Jr.'s lever is clearly not a horizontal arc.

In this regard, the Office Action stated the following:

> (see at least figures 1 & 2 [of Tarbox, Jr.], where figure 2 shows the explicit movement of the lever from a first position represented by solid lines and a second position represented by the dotted lines, and movement from the first position to the second position occurs by moving an end of the lever in a horizontal arc at least when viewing the invention from a top view perspective similarly to as Adam is viewed to have a lever that is depressed in the vertical direction).

Apparently, the Office Action is applying the perspective of Adam's Fig. 3 (top view) to Tarbox, Jr.'s Figs. 1 & 2, effectively laying Tarbox Jr.'s apparatus on its side. Applicant respectfully submits that there is absolutely nothing in Adam or Tarbox, Jr. that suggests modifying the teachings of Tarbox, Jr. in this manner. Applicant also respectfully submits that there is absolutely no basis in the law for changing the perspective of a view of a reference in this manner.

Furthermore, even if some basis existed for such a change in perspective, Tarbox Jr.'s apparatus would not even be operable if laid on its side. For example, balls would not fall from hopper 5 through delivery tube 6 if the apparatus was laid on its side. Thus, Applicant respectfully submits that Tarbox, Jr. cannot teach claim 1's feature of "the ball ejector and the tee are actuated by moving an end of the lever in a horizontal arc."

In view of the foregoing, Applicant respectfully submits that the combination of Adam and Tarbox, Jr. would fail to suggest claim 1's feature of "the ball ejector and the tee are actuated by moving an end of the lever in a horizontal arc" to one of ordinary skill in the art. In fact, Applicant respectfully submits that the combination of Adam and Tarbox, Jr. fails to teach or to suggest this feature in any way whatsoever.

The Office Action stated the following as a second basis for the rejection of claim 1:

> Alternatively, as a side note, without need of the secondary reference, the Examiner respectfully submits that modifying the actuation system from the vertical plane to the horizontal plane does not appear to be patentability distinct and would have been obvious to try as common sense to one of ordinary skill in the art since that person of ordinary skill in the art has good reason to pursue known options within his or her technical grasp (i.e. "Do I want a system where the golf presses a button or do I want a system where a golfer actuates a lever?", such in a pinball machine where a player pulls on a lever in the horizontal direction to eject a ball, thus, it is submitted that such

> mechanical options to the designer are well known in the art), which may lead to anticipated or predictable success, thus, such modifications are not likely to be the product of innovation but rather of ordinary skill and common sense.

The issue of "obvious to try" was most recently discussed by the Supreme Court in KSR Int'l Co. v. Teleflex Inc. 550 US ____ (2007):

> When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under §103.

In the current case, the Office Action offers no evidence of pre-existing design need or market pressure. (This is not to say that market demand does not now exist for the claimed arrangement; the invention is beginning to achieve significant market success, although such is not argued here.) No evidence is presented that there are a finite number of identified, predictable solutions. Rather, the statement that the claimed arrangement is "obvious to try" appears to be purely conclusory. In this regard, Applicant notes that *KSR v. Teleflex* also stated the following (citing In re Kahn, 441 F. 3d 977, 988 (CA Fed. 2006)):

> ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness").

Applicant acknowledges that in the final analysis, a holding of obviousness or non-obviousness is not a cut-and-dried matter. Rather, the finding requires a judgment call. However, this judgment call must be made based on some evidence or teaching in the prior art. Applicant

respectfully submits that such evidence or teaching is not present here. The applied art does not teach or suggest the claimed feature that "the ball ejector and the tee are actuated by moving an end of the lever in a horizontal arc." No evidence is presented to support a finding of "obvious to try." Rather, the finding of obviousness in this instance appears to be nothing more than a conclusion based on pure hindsight in view of Applicant's own disclosure. Such hindsight cannot support a valid holding of obviousness.

In view of the foregoing, Applicant respectfully requests that the Board overturn the Office's holding of obviousness and rule the claim 1 and its dependent claims are allowable.

Claims 5:

Claim 5 is reproduced below:

> 5. An automatic tee-up device as in claim 1, wherein the ball ejector operates in conjunction with an agitating block within the golf ball reservoir so as to eject the golf balls one at a time and so as to agitate golf balls in the reservoir.

Chang (U.S. Patent No. 5,529,307) was cited as teaching this feature. Applicant does not dispute that Chang teaches an agitator. However, Applicant does not see Chang to disclose or to suggest that its agitator "operates in conjunction with an agitating block within the golf ball reservoir so as to eject the golf balls one at a time." Therefore, claim 5 is believed to be allowable over the applied art, and Applicant respectfully requests that the Board overturn the Office's holding of obviousness and rule that claim 5 is allowable for this additional reason as well.

Claims 8:

Claim 8 is reproduced below:

> 8. An automatic tee-up device as in claim 1, wherein the lever is connected to a ramp and the tee is connected to a tapered block that rests on the ramp such that movement of the ramp causes the tee to raise or to lower.

Eckardt, Jr. (U.S. Patent Application Publication No. 2003/0162598) was cited as teaching this feature. However, the ramp in Eckardt, Jr. is a stop member, as apparent from paragraphs [0024] and [0097] of Eckardt, Jr.:

> [0024] The stop member may comprise a ramp. It may be arranged to slide parallel to the platform to adjust the height of the tee. Suitably, a height adjustment lever may be provided in association with the platform for setting the height of the tee. It may be arranged to move the ramp to an appropriate position for setting a desired height.
>
> [0097] As the slope of the ramp abuts against the extension 62, the ramp has the effect of limiting the upward movement of the horseshoe member 59 and hence the tee sitting on the pin 132 connected to the two arms of the horseshoe member. Thus the maximum height of the tee is set by moving the lever 9.

Thus, movement of the ramp in Eckardt, Jr. does not cause the tee to raise or lower, but rather limits the upward movement of the tee.

The arrangement and use of the ramp in Eckardt, Jr. is entirely different from the claimed arrangement and use of a ramp. Nothing else in the applied art teaches the claimed arrangement and use. Applicant therefore respectfully requests that the Board overturn the Office's holding of obviousness and rule that claim 8 is allowable for this additional reason as well.

Claims 10:

Claim 10 is reproduced below:

> 10. An automatic tee-up device as in claim 1, wherein different positions of the lever correspond to different tee heights, and wherein the

> platform further includes a scale adjacent the lever corresponding to the tee heights.

In this regard, the Office Action stated the following:

> Eckardt, Jr. explicitly discloses the lever is connected to a ramp and the tee is connected to a tapered block that rests on the ramp such that movement of the ramp causes the tee to raise or lower (Eckardt, Jr., figures 2 & 7, and paragraphs 0012,0018,0020-0024,0057,0072-0076,0096,0097, & 0106). It would have been obvious at the time of Applicant's invention to modify the lever of the combination of Adam & Tarbox, Jr. with that of Eckardt. One would be motivated to do such that a golfer is then able to practice with different clubs at various tee heights, such as when driving it we beneficial to the golfer to have the tee up higher than say that for a nine iron or a putter.
>
> No teaching of the claimed scale is cited. Rather, the rejection appears to be a simple

conclusory statement that recites a benefit of the claimed arrangement. Clearly, a simple recitation of a benefit of a claimed invention does not obviate patentability. After all, every invention has its own benefits, otherwise it is not useful. Furthermore, a conclusory statement without support in the prior art is not sufficient to render a claim obvious. Applicant therefore respectfully requests that the Board overturn the Office's holding of obviousness and rule that claim 10 is allowable for this additional reason as well.

Claim 15:

Claim 15 is reproduced below:

> 15. (Previously Presented) A method of using an automatic tee-up device, comprising the steps of:
>
> actuating a lever to cause a ball ejector to eject golf balls one at a time from a golf ball reservoir onto a platform with a groove for a golf ball to travel from the reservoir to a tee; and

> actuating the lever to cause the tee to raise the golf ball, with the tee movable from below a level of the golf ball in the groove to above the level of the golf ball in the groove;
>
> wherein after the golf ball is ejected by the ejector, the golf ball travels on the groove to the tee and is raised by the tee into a position suitable for striking with a golf club; and
>
> wherein an end of the lever is actuated by being moved in a horizontal arc and is disposed to be actuated by a head of the golf club.

Substantially as discussed above with respect to claim 1, the art applied against this claim, namely Adam and Tarbox, Jr., does not disclose or suggest the foregoing features of claim 15, at least with respect to the feature that an end of the lever (actuation of which causes a ball ejector to eject golf balls and causes a tee to raise the golf ball) "is actuated by being moved in a horizontal arc and is disposed to be actuated by a head of the golf club." Also substantially as discussed above to claim 1, nothing in the prior art makes this arrangement "obvious to try." Applicant therefore respectfully requests that the Board overturn the Office's holding of obviousness and rule the claim 15 and its dependent claims are allowable.

Claim 16:

Claim 16 is reproduced below:

> 16. A method as in claim 15, wherein the ball ejector operates in conjunction with an agitating block within the golf ball reservoir so as to eject the golf balls one at a time and so as to agitate golf balls in the reservoir.

This claim is believed to be allowable over the applied art for substantially the same reasons as given above with respect to claim 5. Accordingly, Applicant respectfully requests that the Board overturn the Office's holding of obviousness and rule the claim 16 is allowable for those additional reasons as well.

Claim 18:

Claim 18 is reproduced below:

> 18. A method as in claim 15, wherein the lever is connected to a ramp and the tee is connected to a tapered block that rests on the ramp such that movement of the ramp causes the tee to raise or to lower.

This claim is believed to be allowable over the applied art for substantially the same reasons as given above with respect to claim 8. Accordingly, Applicant respectfully requests that the Board overturn the Office's holding of obviousness and rule the claim 18 is allowable for those additional reasons as well.

Claim 19:

Claim 19 is reproduced below:

> 19. A method as in claim 15, wherein different positions of the lever correspond to different tee heights, and wherein the platform further includes a scale adjacent the lever corresponding to the tee heights.

This claim is believed to be allowable over the applied art for substantially the same reasons as given above with respect to claim 10. Accordingly, Applicant respectfully requests that the Board overturn the Office's holding of obviousness and rule the claim 19 is allowable for those additional reasons as well.

(VIII) CLAIMS APPENDIX.

An appendix containing a copy of the claims involved in the appeal is appended to this Appeal Brief. Applicant notes that claims 1, 10 and 15 in the appendix are set forth in the form that the claims will have upon entry of the amendment filed on January 27, 2008.

(IX) EVIDENCE APPENDIX.

No evidence is being submitted with this appeal pursuant to 37 CFR §§ 1.130, 1.131, or 1.132 or otherwise.

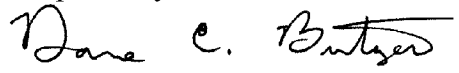
(X) RELATED PROCEEDINGS APPENDIX.

As set forth in section (ii) above, no other prior or pending appeals, interferences or judicial proceedings are known to Applicant (appellant), Applicant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. Accordingly, no copy of any decision by any court or the Board is being submitted herewith.

Closing

Applicant respectfully requests consideration of this Appeal Brief, withdrawal of the outstanding rejections, and allowance of this case by the Board. Applicants' undersigned attorney can be reached at (614) 205-3241. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,



Dated: June 24, 2008

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Claims Appendix

1. (Previously Presented) An automatic tee-up device, comprising:

a golf ball reservoir;

a platform with a groove for a golf ball to travel from the reservoir to a tee, with the tee movable from below a level of the golf ball in the groove to above the level of the golf ball in the groove;

a ball ejector disposed to eject golf balls one at a time from the reservoir onto the groove; and

a lever that projects from the platform and that actuates the ball ejector and the tee;

wherein after the golf ball is ejected by the ejector, the golf ball travels on the groove to the tee and is raised by the tee into a position suitable for striking with a golf club;

wherein the ball ejector and the tee are actuated by moving an end of the lever in a horizontal arc; and

wherein the lever is disposed to be actuated by a head of the golf club.

2. (Original) An automatic tee-up device as in claim 1, wherein the platform includes a mat that has the groove.

3. (Original) An automatic tee-up device as in claim 2, wherein the mat with the groove is removable from the rest of the platform.

4. (Original) An automatic tee-up device as in claim 2, wherein the platform includes at least one other mat positioned where a golfer stands on the platform.

5. (Previously Presented) An automatic tee-up device as in claim 1, wherein the ball ejector operates in conjunction with an agitating block within the golf ball reservoir so as to eject the golf balls one at a time and so as to agitate golf balls in the reservoir.

6. (Canceled)

7. (Canceled)

8. (Previously Presented) An automatic tee-up device as in claim 1, wherein the lever is connected to a ramp and the tee is connected to a tapered block that rests on the ramp such that movement of the ramp causes the tee to raise or to lower.

9. (Original) An automatic tee-up device as in claim 8, wherein the tee is removable so as to facilitate replacement of the tee.

10. (Previously Presented) An automatic tee-up device as in claim 1, wherein different positions of the lever correspond to different tee heights, and wherein the platform further includes a scale adjacent the lever corresponding to the tee heights.

11. (Original) An automatic tee-up device as in claim 1, further comprising one or more leveler feet on which the platform rests, the leveler feet permitting the platform to be leveled.

12. (Original) An automatic tee-up device as in claim 1, wherein the platform further includes at least one hinge by which the platform can be folded up.

13. (Original) An automatic tee-up device as in claim 12, wherein the groove is in a removable mat on the platform;

wherein the platform includes at least two mats positioned where a golfer stands on the platform; and

wherein a seam between the two mats aligns with the hinge.

14. (Original) An automatic tee-up device as in claim 12, wherein further including at least two wheels disposed for moving the automatic tee-up device when the platform is folded up.

15. (Previously Presented) A method of using an automatic tee-up device, comprising the steps of:

actuating a lever to cause a ball ejector to eject golf balls one at a time from a golf ball reservoir onto a platform with a groove for a golf ball to travel from the reservoir to a tee; and

actuating the lever to cause the tee to raise the golf ball, with the tee movable from below a level of the golf ball in the groove to above the level of the golf ball in the groove;

wherein after the golf ball is ejected by the ejector, the golf ball travels on the groove to the tee and is raised by the tee into a position suitable for striking with a golf club; and

wherein an end of the lever is actuated by being moved in a horizontal arc and is disposed to be actuated by a head of the golf club.

16. (Previously Presented) A method as in claim 15, wherein the ball ejector operates in conjunction with an agitating block within the golf ball reservoir so as to eject the golf balls one at a time and so as to agitate golf balls in the reservoir.

17. (Canceled)

18. (Original) A method as in claim 15, wherein the lever is connected to a ramp and the tee is connected to a tapered block that rests on the ramp such that movement of the ramp causes the tee to raise or to lower.

19. (Original) A method as in claim 15, wherein different positions of the lever correspond to different tee heights, and wherein the platform further includes a scale adjacent the lever corresponding to the tee heights.

20. (Canceled)

21. (Canceled)